

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00119-04

BRATTEN SMITH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 2, 2018, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Bratten Smith, appeared in person and by his counsel, Tim C. Carrico, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Steven M. Phillips. The defendant commenced a 16-month term of supervised release in this action on October 27, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on September 22, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed marijuana as evidenced by a positive urine specimen submitted by him on December 11, 2017, the defendant having admitted to the probation officer that he smoked marijuana on December 9, 2017; (2) the defendant failed to notify the probation officer of his change in residence inasmuch as on February 24, 2018, the probation officer attempted to make contact with the defendant at his residence of record which appeared to be vacant and abandoned, a tenant in the housing complex having reported that the defendant no longer resided at the location, rendering the defendant's whereabouts unknown at the time of the filing of the petition on May 14, 2018; (3) the defendant failed to submit a monthly report for the months of February, March and April 2018; and (4) the defendant failed to appear for mandatory urine screens as directed on February 19, March 9 and 21, April 5 and 27, and May 7, 2018; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

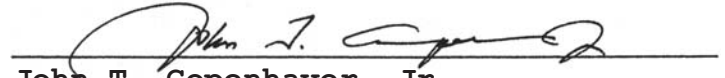
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 2, 2018


John T. Copenhaver, Jr.
United States District Judge